

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:06-cr-11
vs.)	
)	JUDGE COLLIER
CALVIN HAVNER)	

MEMORANDUM AND ORDER

The defendant appeared for a continued hearing before the undersigned on May 14, 2013, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision (Petition) of Supervising U.S. Probation Officer Janet Landers and the Warrant for Arrest issued by U.S. District Judge Curtis L. Collier. Those present for the hearing included:

- (1) AUSA Scott Winne for the USA.
- (2) Defendant CALVIN HAVNER.
- (3) Attorney McCracken Poston for defendant.
- (4) Deputy Clerk Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

At an earlier hearing on October 15, 2012, defendant through counsel moved for a psychiatric evaluation, and the Court rescheduled the preliminary hearing and detention hearing on the Petition for Thursday, February 7, 2013, at 10:00 am, then rescheduled for May 14, 2013 at 10:00 am. At the May 14, 2013 hearing, the defendant waived any further proceedings related to his mental competency evaluation.

It was determined the defendant had been provided with a copy of the Petition and the Warrant for Arrest and had the opportunity of reviewing those documents with his attorney. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

At the May 14, 2013, hearing, AUSA Winne moved defendant be detained pending a hearing to determine whether his term of supervision should be revoked. The defendant waived his right to a preliminary hearing and detention hearing.

Findings

(1) Based upon U.S. Probation Officer Landers' petition and defendant's waiver of preliminary hearing and detention hearing, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised release as alleged in the petition.

Conclusions

It is ORDERED:

(1) The defendant shall appear in a revocation hearing before U.S. District Judge Curtis L. Collier.

(2) The motion of AUSA Winne that defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Collier is GRANTED.

(3) The U.S. Marshal shall transport defendant to a revocation hearing before Judge Collier on **Thursday, May 23, 2013, at 2:00 pm.**

ENTER.

S / *William B. Mitchell Carter*

UNITED STATES MAGISTRATE JUDGE